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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2009-16

13 **DANIEL GREG TURNER, aka**
14 **DANIEL G. TURNER**
2220 N Lapaz Drive
Claremont, CA 91711

ACCUSATION

15 **Registered Nurse License No. 539908,**

16 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. **Daniel Greg Turner**. On or about January 22, 1998, the Board of
24 Registered Nursing ("Board") issued Registered Nurse License Number 539908 to Daniel
25 Greg Turner, also known as Daniel G. Turner ("Respondent"). The license will expire on
26 April 30, 2009, unless renewed.

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1 (b) Use any controlled substance as defined in
2 Division 10 (commencing with Section 11000) of the Health
3 and Safety Code, or any dangerous drug or dangerous device as
4 defined in Section 4022, or alcoholic beverages, to an extent or
5 in a manner dangerous or injurious to himself or herself, any
6 other person, or the public or to the extent that such use impairs
7 his or her ability to conduct with safety to the public the practice
8 authorized by his or her license.

9 (c) Be convicted of a criminal offense involving the
10 prescription, consumption, or self-administration of any of the
11 substances described in subdivisions (a) and (b) of this section,
12 or the possession of, or falsification of a record pertaining to, the
13 substances described in subdivision (a) of this section, in which
14 event the record of the conviction is conclusive evidence thereof.

15 6. Code section 125.3 provides that the Board may request the administrative
16 law judge to direct a licentiate found to have committed a violation or violations of the licensing
17 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of
18 the case.

19 REGULATORY PROVISIONS

20 7. California Code of Regulations, title 16, section 1444, provides, in
21 pertinent part:

22 A conviction or act shall be considered to be substantially
23 related to the qualifications, functions or duties of a registered
24 nurse if to a substantial degree it evidences the present or
25 potential unfitness of a registered nurse to practice in a
26 manner consistent with the public health, safety, or welfare.

27 FIRST CAUSE FOR DISCIPLINE

28 (Revocation of Out of State License)

8. Respondent's license is subject to disciplinary action for unprofessional
conduct under Code section 2761, subdivision (a)(4), in that, effective June 8, 2006, pursuant to
the Consent Order in the disciplinary action entitled, "*In the Matter of: Daniel G. Turner, R. N.*"
Case No. 200501527, Respondent's State of Tennessee registered nurse license was revoked
by the Tennessee State Board of Nursing. A certified copy of the Consent Order in the
disciplinary action entitled, "*In the Matter of: Daniel G. Turner, R. N.*," Case No. 200501527
is attached hereto as "Exhibit A," and is incorporated herein by reference.

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1. Revoking or suspending Registered Nurse License Number 539908, issued to Daniel Greg Turner, also known as Daniel G. Turner;
2. Ordering Daniel Greg Turner to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.



RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

In the Matter of: Daniel G. Turner, R.N., Case No. 200501527
Consent Order

**DEPARTMENT OF HEALTH
BEFORE THE TENNESSEE STATE
BOARD OF NURSING**

IN THE MATTER OF:

**Daniel G. Turner, R.N.
Knoxville, Tennessee
License No. 147523**

Case No. 200501527

RESPONDENT

CONSENT ORDER

This matter came to be heard before the Tennessee Board of Nursing (hereinafter referred to as the "Board") on the 8th day of June, 2006, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and the Respondent, Daniel G. Turner, R.N. (hereinafter referred to as the "Respondent") that the Board adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

The Board is responsible for the regulation and supervision of registered, practical, and advanced practice nurses licensed to practice nursing in the State of Tennessee. See Tennessee Nurse Practice Act, Tennessee Code Annotated Section (hereinafter referred to as "Tenn. Code Ann. §") 63-7-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the law so as to preserve the quality of nursing care provided in Tennessee. It is also the duty and responsibility of the Board to promote and protect the public health, safety and welfare by disciplining nurses who violate the provisions of Tenn. Code Ann. § 63-7-101, *et seq.*

DATE: 12-5-06
I CERTIFY THIS TO BE A
TRUE COPY OF THE RECORDS
ON FILE WITH THE TENNESSEE
BOARD OF NURSING.
SIGNED: Regina G. Landrum

Respondent, Daniel G. Turner, R.N., by signature to this Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Consent Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

STIPULATIONS OF FACT

1. Respondent is licensed by the Tennessee Board of Nursing as a registered nurse in the State of Tennessee, having been granted license number 147523 by the Board. Respondent's license expires March 31, 2007.
2. Respondent's license bears a multi-state privilege to practice nursing in states that have entered into the Interstate Nurse Licensure Compact.
3. Respondent was employed by Nurse Finders placement service as a PRN registered nurse to work at Methodist Hospital of Southern California located in Arcadia, California, from July 5, 2002 through August 9, 2004.
4. Respondent admits to diverting and using Opiates, Morphine, Diluadid, and Demerol while working at Methodist Hospital of Southern California.
5. Respondent admits that his California nursing license has been suspended for diverting opiates.

DATE: 12-5-06

I CERTIFY THIS TO BE A
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ON FILE WITH THE TENNESSEE
BOARD OF NURSING.
SIGNED: Daniel G. Land, R.N.

6. Respondent was employed by Nurse Finders placement service as a PRN registered nurse to work at St. Mary's Jefferson Memorial Hospital in Jefferson City, Tennessee, in or around January of 2005.
7. Respondent admits that during the course of his employment at St. Mary's Jefferson Memorial Hospital, he diverted and used Demerol.

GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of the Respondent's nursing license exist. Specifically, Respondent has violated the following statutes or rules, which are part of the Tennessee Nurse Practice Act, (Tenn. Code Ann. § 63-7-101, *et seq.* and Tenn. Comp. R. & Regs. 1000-1-.04, *et seq.*) for which disciplinary action before and by the Board is authorized.

8. The collective facts in paragraphs three (3) through seven (7), *supra*, constitute grounds for disciplinary action against the Respondent's license to practice nursing in the State of Tennessee pursuant to the Tennessee Nurse Practice Act that authorizes disciplinary action against a Respondent.
9. Tenn. Code Ann. § 63-7-115(a)(1) states that: "The Board has the power to deny, revoke, or suspend any certificate or license to practice nursing or to otherwise discipline upon proof that a licensee:

- (C) Is unfit or incompetent by reason of negligence, habits, or other cause;
- (D) Is addicted to alcohol or drugs to the degree of interfering with nursing duties;

- (F) Is guilty of unprofessional conduct;
10. "Tenn. Comp. R. & Regs. 1000-1-13(1) states that "Unprofessional conduct, unfitness, or incompetency by reason of negligence, habits or other causes, as those terms are used in the statute, is defined as, but not limited to, the following:
- (e) Unauthorized use or removal of narcotics, drugs, supplies, or equipment from any health care facility, school, institution or other work place location;
 - (f) The use of any intoxicating beverage or the illegal use of any narcotic or dangerous drug while on duty in any health care facility, school, institution, or other work place location;
 - (g) Being under the influence of alcohol beverages or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location; and
 - (w) Engaging in acts of dishonesty which relate to the practice of nursing.

POLICY STATEMENT

11. The Tennessee Board of Nursing is responsible for the regulation and supervision of the practice of nursing in the State of Tennessee. Tenn. Code Ann. § 63-7-101 *et seq.*
12. It is the duty and responsibility of the Board of Nursing to enforce the Nurse Practice Act in such a manner as to insure that nurses use their licenses to promote and protect the public health, safety and welfare.

DATE: 12-5-06

I CERTIFY THIS TO BE A
TRUE COPY OF THE RECORDS
ON FILE WITH THE TENNESSEE
BOARD OF NURSING.

By: Angela A. Land, RN

13. It is the policy of the Tennessee Board of Nursing to require strict compliance with the laws of this State and to apply the laws so as to preserve the quality of nursing care provided in Tennessee.
14. It is the duty and responsibility of the Tennessee Board of Nursing to promote the public health, safety and welfare by disciplining nurses who violate the provisions of TENN. CODE ANN. § 63-7-101 *et seq.*

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

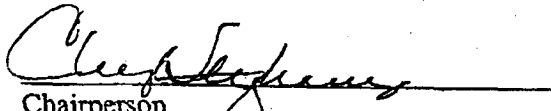
15. The license of Respondent to practice nursing in Tennessee pursuant to the authority vested in the Board under Tenn. Code Ann. §§ 63-7-115 and 116 shall be and is hereby **REVOKED**.
16. This **REVOCATION** is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB).
17. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order.
18. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.
19. A **violation** of this Order shall constitute a **further violation** of the Nurse Practice Act, Tenn. Code Ann. Section 63-7-115, and is grounds for further disciplinary action by the Board.

DATE: 12-5-06

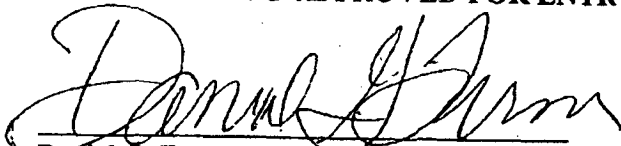
I CERTIFY THIS TO BE A
TRUE COPY OF THE RECORDS
ON FILE WITH THE TENNESSEE
BOARD OF NURSING.

SIGNED: B. [Signature], RN.

This **CONSENT ORDER** approved by a majority of a quorum of the Tennessee Board
of Nursing at a public meeting of the Board and signed this ~~17~~ ¹⁸ day of
~~April~~ ^{June} 2006.

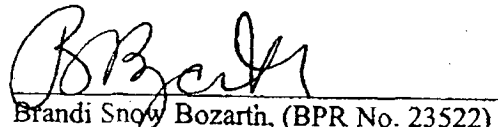

Chairperson
Tennessee Board of Nursing

AGREED TO AND APPROVED FOR ENTRY:


Daniel G. Turner, RN License # 147523
Respondent

4/17/06
Date

PREPARED FOR ENTRY:


Brandi Snow Bozarth, (BPR No. 23522)
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
26th Floor, Tennessee Tower
312 Eighth Avenue North
Nashville, Tennessee 37243
(615) 741-1611

DATE: 12-5-06

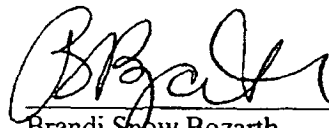
I CERTIFY THIS TO BE A
TRUE COPY OF THE RECORDS
ON FILE WITH THE TENNESSEE
BOARD OF NURSING.

SIGNED: Elizabeth G. Land, RN

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent. Daniel Turner, 7108 Gainesboro Drive, Knoxville, Tennessee 37909, by placing same with the United Parcel Service, second day delivery, with sufficient postage thereon to reach its destination.

This 9 day of June, 2006.



Brandi Snow Bozarth
Assistant General Counsel

DATE: 12-5-06
I CERTIFY THIS TO BE A
TRUE COPY OF THE RECORDS
ON FILE WITH THE TENNESSEE
BOARD OF NURSING.
SIGNED: Robert G. Land, JR.